

**Executive Summary – Enforcement Matter – Case No. 51924**  
**HEART O' TEXAS COUNCIL OF THE BOY SCOUTS OF AMERICA**  
**RN101285245**  
**Docket No. 2016-0257-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Sid Richardson Scout Ranch, located on an unnamed road approximately 4.25 miles northeast of the intersection of Farm-to-Market Road 1705 and Boy Scout Road, approximately one mile north of Stripling Island, near Runaway Bay, Wise County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 20, 2016

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$725

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$725

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Unclassified

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 51924**  
**HEART O' TEXAS COUNCIL OF THE BOY SCOUTS OF AMERICA**  
**RN101285245**  
**Docket No. 2016-0257-PWS-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** December 21, 2015 through January 8, 2016

**Date(s) of NOE(s):** January 8, 2016

***Violation Information***

Failed to issue public notification and submit a copy of the public notification to the Executive Director ("ED") regarding the failure to submit Surface Water Monthly Operating Reports ("SWMORs") [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:
  - i. Implement procedures to ensure that all necessary public notifications are issued in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the ED; and
  - ii. Issue public notification regarding the failure to submit SWMORs for the months of August 2014 through May 2015 and provide a copy of each public notification to the ED.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 51924**  
**HEART O' TEXAS COUNCIL OF THE BOY SCOUTS OF AMERICA**  
**RN101285245**  
**Docket No. 2016-0257-PWS-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Jason Fraley, Enforcement Division,  
Enforcement Team 2, MC 169, (512) 239-2552; Michael Parrish, Enforcement Division,  
MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** N/A

**Respondent:** John A. Coyle, Scout Executive, HEART O' TEXAS COUNCIL OF THE  
BOY SCOUTS OF AMERICA, P.O. Box 54190, Hurst, Texas 76054-4190

Jim Patton, President, HEART O' TEXAS COUNCIL OF THE BOY SCOUTS OF  
AMERICA, P.O. Box 54190, Hurst, Texas 76054-4190

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**  
**DATES**

**Assigned** 11-Jan-2016  
**PCW** 18-Feb-2016  
**Screening** 18-Feb-2016  
**EPA Due** 31-Mar-2016

## RESPONDENT/FACILITY INFORMATION

**Respondent** HEART O' TEXAS COUNCIL OF THE BOY SCOUTS OF AMERICA  
**Reg. Ent. Ref. No.** RN101285245  
**Facility/Site Region** 4-Dallas/Fort Worth  
**Major/Minor Source** Minor

## CASE INFORMATION

**Enf./Case ID No.** 51924  
**Docket No.** 2016-0257-PWS-E  
**Media Program(s)** Public Water Supply  
**Multi-Media**  
**No. of Violations** 1  
**Order Type** Findings  
**Government/Non-Profit** Yes  
**Enf. Coordinator** Jason Fraley  
**EC's Team** Enforcement Team 2  
**Admin. Penalty \$ Limit Minimum** \$50 **Maximum** \$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$500

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 45.0% **Adjustment** **Subtotals 2, 3, & 7** \$225

**Notes** Enhancement for five NOV's with the same/similar violations and one agreed order containing a denial of liability.

**Culpability** No 0.0% **Enhancement** **Subtotal 4** \$0

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$0

**Economic Benefit** 0.0% **Enhancement\*** **Subtotal 6** \$0

Total EB Amounts \$9  
Estimated Cost of Compliance \$150  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$725

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$725

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$725

**DEFERRAL** 0.0% **Reduction** **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** \$725

Screening Date 18-Feb-2016

Docket No. 2016-0257-PWS-E

PCW

Respondent HEART O' TEXAS COUNCIL OF THE BOY SCOUTS OF AMERICA

Policy Revision 4 (April 2014)

Case ID No. 51924

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101285245

Media [Statute] Public Water Supply

Enf. Coordinator Jason Fraley

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 45%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for five NOVs with the same/similar violations and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 45%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 45%

Screening Date 18-Feb-2016

Docket No. 2016-0257-PWS-E

PCW

Respondent HEART O' TEXAS COUNCIL OF THE BOY SCOUTS OF AMERICA

Policy Revision 4 (April 2014)

Case ID No. 51924

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101285245

Media [Statute] Public Water Supply

Enf. Coordinator Jason Fraley

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)

Violation Description

Failed to issue public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit Surface Water Monthly Operating Reports for the months of August 2014 through May 2015.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$950

\$50

## Violation Events

Number of Violation Events 10

273 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Ten single events are recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$725

This violation Final Assessed Penalty (adjusted for limits) \$725

# Economic Benefit Worksheet

**Respondent** HEART O' TEXAS COUNCIL OF THE BOY SCOUTS OF AMERICA  
**Case ID No.** 51924  
**Reg. Ent. Reference No.** RN101285245  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	21-Dec-2015	22-Oct-2016	0.84	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	11-Dec-2014	22-Oct-2016	1.87	\$5	n/a	\$5

The Training/Sampling cost includes the estimated amount to implement procedures to ensure that all necessary public notifications are provided in a timely manner, calculated from the record review date to the estimated date of compliance.

### Notes for DELAYED costs

The Other (as needed) cost includes the estimated amount to ensure that all delinquent notifications (\$5 per notification x ten notifications) are provided to persons served by the Facility and a copy of the public notification is provided to the Executive Director, calculated from the date the earliest public notification was due to the estimated date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$150

TOTAL

\$9



The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN602296741, RN101285245, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

**Customer, Respondent, or Owner/Operator:** CN602296741, HEART O' TEXAS COUNCIL OF THE BOY SCOUTS OF AMERICA **Classification:** UNCLASSIFIED **Rating:** -----

**Regulated Entity:** RN101285245, Sid Richardson Scout Ranch **Classification:** NOT APPLICABLE **Rating:** N/A

**Complexity Points:** N/A **Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** ON AN UNNAMED ROAD APPROXIMATELY 4.25 MILES NORTHEAST OF THE INTERSECTION OF FARM-TO-MARKET ROAD 1705 AND BOY SCOUT ROAD, APPROXIMATELY ONE MILE NORTH OF STRIPLING ISLAND, NEAR RUNAWAY BAY, WISE COUNTY, TEXAS

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 2490021 **WATER LICENSING LICENSE** 2490021

**Compliance History Period:** September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

**Date Compliance History Report Prepared:** February 18, 2016

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 18, 2011 to February 18, 2016

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Jason Fraley **Phone:** (512) 239-2552

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

### Components (Multimedia) for the Site Are Listed in Sections A - J

#### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 03/15/2015 ADMINORDER 2014-1337-PWS-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.111(h)(12)  
30 TAC Chapter 290, SubChapter F 290.111(h)(2)  
Description: SWTR SWMOR Major MR Violation 06/2014 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for TP15152.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.111(h)(12)

30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 05/2014 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for TP15152.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.111(h)(12)  
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 04/2014 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for TP15152.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.111(h)(12)  
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 03/2014 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for TP15152.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.111(h)(12)  
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 02/2014 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for TP15152.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.111(h)(12)  
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 01/2014 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for TP15152.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(C)(iii)  
30 TAC Chapter 290, SubChapter D 290.46(f)(4)

Description: FBRR - The system failed to retain records of the Recycling Practices Report form and other records pertaining to site-specific recycle practices for treatment plants that recycle for five years at TP15152.

## **B. Criminal convictions:**

N/A

## **C. Chronic excessive emissions events:**

N/A

## **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1      July 17, 2012      (1015054)

## **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	04/29/2015	(1301610)	CN602296741
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)		
	Description:	OCT/2014 SWTR SWMOR MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to submit the Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for the month of 10/2014.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)		
	Description:	SEP/2014 SWTR SWMOR MR PN Posting and Reporting Violation - Failure to		

submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to submit the Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for the month of 09/2014.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: AUG/2014 SWTR SWMOR MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to submit the Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for the month of 08/2014.

2 Date: 05/28/2015 (1301610) CN602296741

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: NOV/2014 SWTR SWMOR MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to submit the Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for the month of 11/2014.

3 Date: 08/21/2015 (1301610) CN602296741

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: FEB/2015 SWTR SWMOR MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to submit the Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for the month of 02/2015.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: JAN/2015 SWTR SWMOR MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to submit the Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for the month of 01/2015.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DEC/2014 SWTR SWMOR MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to submit the Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for the month of 12/2014.

4 Date: 11/12/2015 (1301610) CN602296741

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: APR/2015 SWTR SWMOR MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to submit the Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for the month of 04/2015.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: MAR/2015 SWTR SWMOR MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that

public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to submit the Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for the month of 03/2015.

5 Date: 12/18/2015 (1301610) CN602296741  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: MAY/2015 SWTR SWMOR MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to submit the Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for the month of 05/2015.

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

## Appendix A

### All NOV's Issued During Component Period 2/18/2011 and 2/18/2016

Page 5

Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for the month of 11/2014.

4\*

Date: 08/21/2015 (1301610)

CN602296741

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: FEB/2015 SWTR SWMOR MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to submit the Surface Water

Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for the month of 02/2015.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: JAN/2015 SWTR SWMOR MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to submit the Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for the month of 01/2015.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DEC/2014 SWTR SWMOR MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to submit the Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for the month of 12/2014.

5

Date: 11/12/2015 (1301610)

CN602296741

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: APR/2015 SWTR SWMOR MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to submit the Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for the month of 04/2015.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: MAR/2015 SWTR SWMOR MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to submit the Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for the month of 03/2015.

6

Date: 12/18/2015 (1301610)

CN602296741

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: MAY/2015 SWTR SWMOR MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the

time period that public notice was required for failing to submit the Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for the month of 05/2015.

\* NOVs applicable for the Compliance History rating period 9/1/2010 to 8/31/2015

## **Appendix B**

### **All Investigations Conducted During Component Period February 18, 2011 and February 18, 2016**

		(1015054)	
Item 1*	July 17, 2012**	For Informational Purposes Only	
		(1192630)	
Item 2	September 03, 2014**	For Informational Purposes Only	
		(1192851)	
Item 3	September 05, 2014**	For Informational Purposes Only	
		(1301610)	
Item 4	January 07, 2016	For Informational Purposes Only	
		(1305049)	
Item 5	January 08, 2016	For Informational Purposes Only	

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2010 and 08/31/2015.





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	
<b>HEART O' TEXAS COUNCIL OF THE</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>BOY SCOUTS OF AMERICA</b>	<b>§</b>	
<b>RN101285245</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

## **AGREED ORDER DOCKET NO. 2016-0257-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding HEART O' TEXAS COUNCIL OF THE BOY SCOUTS OF AMERICA (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a public water supply located on an unnamed road approximately 4.25 miles northeast of the intersection of Farm-to-Market Road 1705 and Boy Scout Road, approximately one mile north of Stripling Island, near Runaway Bay, Wise County, Texas (the "Facility") that has approximately 36 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted on December 21, 2015 through January 8, 2016, TCEQ staff documented that the Respondent did not issue public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit Surface Water Monthly Operating Reports ("SWMORs") for the months of August 2014 through May 2015.
3. The Respondent received notice of the violations on January 14, 2016.

### **II. CONCLUSIONS OF LAW**

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to issue public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit SWMORs, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Seven Hundred Twenty-Five Dollars (\$725) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Seven Hundred Twenty-Five Dollar (\$725) administrative penalty.

### **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Seven Hundred Twenty-Five Dollars (\$725) as set forth in Section II, Paragraph 4 above, for violations of

TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: HEART O' TEXAS COUNCIL OF THE BOY SCOUTS OF AMERICA, Docket No. 2016-0257-PWS-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Implement procedures to ensure that all necessary public notifications are issued in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122; and
    - ii. Issue public notification regarding the failure to submit SWMORs for the months of August 2014 through May 2015, and provide a copy of each public notification to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i and 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission,

including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



8/19/16  
Date

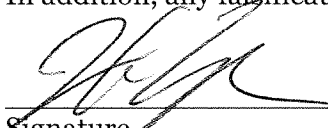
I, the undersigned, have read and understand the attached Agreed Order in the matter of HEART O' TEXAS COUNCIL OF THE BOY SCOUTS OF AMERICA. I am authorized to agree to the attached Agreed Order on behalf of HEART O' TEXAS COUNCIL OF THE BOY SCOUTS OF AMERICA, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, HEART O' TEXAS COUNCIL OF THE BOY SCOUTS OF AMERICA waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

April 8, 2016  
Date

John A. Coyle  
Name (Printed or typed)

Scout Executive  
Title

Authorized Representative of

HEART O' TEXAS COUNCIL OF THE BOY SCOUTS OF AMERICA

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.